UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/891,197	BOYER ET AL.
	Examiner	Art Unit	
	Matthew L. Brooks	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 June 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Examiner for purposes of examination used the amended claims submitted on
9/19/2005.

Drawings

1.   The drawings **5 and 6** are objected to because there are no lead lines indicating

what is going on as described in the specification. For instance; pg 12 of [41] in no way

show update of chart and notification. Furthermore; pg 14 [46] states"6a and 6b show a

flight operating system control board. With *information that a flight has been delayed an*

hour..." Emphasis added to show that a lead number and line should be included to

indicate where this is occurring. Corrected drawing sheets in compliance with 37 CFR

1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

2.   The drawings 5 and 6 are objected to under 37 CFR 1.83(a) because they fail to

show the example as described on pg 13, [044] "...source system may publish the

event "UA 732 delayed 45 minutes"..." Examiner turns to Figs. 5 and 6 and no such

example nor flight is shown as described in the specification. Any structural detail that

is essential for a proper understanding of the disclosed invention should be shown in

the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR

1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities: Examples

shown in specification are not in the drawings 5 and 6 (*see above*).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   All 112 Second Paragraph rejections previously issued have been satisfactorily

amended/corrected.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English
language.

2.   Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

patent number 6,496,568 Donald R. Nelson (Nelson).

3.   With respect to **Claims 1 and 9**: Nelson discloses

A method for notifying entities of events in an <u>integrated event notification system</u>

<u>comprised of a plurality of heterogeneous systems</u>, each entity associated with a

different one of the heterogeneous systems, (Column 1, 35-50) Applicant has defined

"system" as an individual or entity with in the specification (See page 3, 1-5) and "event"

and "entity" very broadly (See Page 3, 7-25 and Page 4, 1-8) the method comprising:

a. detecting a <u>first</u> event of a plurality of events, with the detecting of the event

including monitoring <u>information from a memory for the occurrence of an event</u> and

<u>publishing</u> the <u>first</u> event <u>upon occurrence of the first event</u> (C1, 50-55; which detects

and receives an event, when determines the set of "subscribers" must be memory then

provides notification/publish),

b. wherein occurrence of the <u>first</u> event triggers occurrence of at least <u>a second</u>

event resulting from a <u>first</u> response to the occurrence of the <u>first</u> event; (Column 2, 1-

10 wherein the second event may be receiving a customer response.)

c. automatically transmitting, in response to the detecting of the <u>first</u> event and

without user intervention, a notification to the heterogeneous system associated with a

first entity of the <u>first</u> event, the first entity having previously <u>subscribed</u> to receive

notification of the <u>first</u> event and initiating the <u>first</u> response to the occurrence of the <u>first</u>

event (C1, 50-67),

d. with the automatically transmitting of the notification to the heterogeneous

system associated with the first entity including determining whether the first entity has

previously <u>subscribed</u> to receive notification of the event; (Column 1, 50-66) and

e. automatically transmitting, without user intervention, a notification to the

heterogeneous system associated with a second entity of the <u>second</u> event (Column 2,

1-16 Examiner considers "real time data system" to be a second entity because

Applicants specification defined systems as entities on Page 3, 1-3. Also, second entity

could be, among many things, the "paging system" See Fig 1, 162),

f. the second entity initiating a <u>second</u> response to the occurrence of the <u>second</u>

event. (Column 2, 1-16; an alternative embodiment shown with an airline system).

4.   With respect to **Claim 2**: Nelson discloses

<u>A method for notifying entities of travel-related events in</u> an integrated event

notification system communicably connecting a plurality of entities, <u>the method</u>

<u>comprising:</u>, (Column 1, 35-50) Applicant has defined "system" as an individual or entity

with in the specification (See page 3, 1-5) and "event" and "entity" very broadly (See

Page 3, 7-25 and Page 4, 1-8)

a. detecting a <u>first</u> travel-related event of a plurality of travel-related events, with

the detecting of the <u>first</u> travel-related event including monitoring <u>information from a</u>

<u>memory for the occurrence of a travel-related event and</u> publishing the <u>first</u> travel-

related event <u>upon occurrence of the first</u> travel-related event (C1, 50-55; which detects

and receives an event, when determines the set of "subscribers" must be memory then

provides notification/publish),

b. wherein occurrence of the <u>first</u> travel-related event triggers occurrence of at least <u>a second</u> additional travel-related event resulting from performance of a <u>first</u> activity in response to the occurrence of the <u>first</u> travel-related event (Column 2, 1-10 wherein the second event may be receiving a customer response.);

c. automatically transmitting, in response to the detecting of the <u>first</u> travel-related event and without user intervention, a notification to a first entity of the <u>first</u> travel-related event, the first entity having previously registered to receive notification of the travel-related event and initiating the activity in response to the notification (C1, 50-67),

d. with the automatically transmitting of the notification to the first entity including determining whether the first entity has previously <u>subscribed</u> to receive notification of the travel-related event (Column 1, 50-66); and

e. automatically transmitting, without user intervention, a notification to a second entity of the <u>second</u> travel-related event (Column 2, 1-16 Examiner considers "real time data system" to be a second entity because Applicants specification defined systems as entities on Page 3, 1-3. Also, second entity could be, among many things, the "paging system" See Fig 1, 162),

f. the second entity initiating performance of <u>a seond</u> activity in response to occurrence of the <u>second</u> travel-related event (Column 2, 1-16; wherein Nelson discloses notifying the customer and the "real time data system" which responds by updating the system and Column 2, 1-16; an alternative embodiment shown with an airline system).

5.   With respect to **Claim 10**: Nelson discloses

A data processing system comprising,

a. a memory having program instructions;

b. and a processor responsive to the program instructions for (See Nelson Fig 2):

b1. detecting a <u>first</u> travel-related event of a plurality of travel-related

events, with the detecting of the <u>first</u> travel-related event including monitoring

<u>information from a memory for the occurrence of a travel-related event and publishing</u>

the <u>first travel-related event upon occurrence of the first travel related event</u> (C1, 50-

55; which detects and receives an event, when determines the set of "subscribers" must

be memory then provides notification/publish),

b2.wherein occurrence of the <u>first</u> travel-related event triggers occurrence

of at least <u>a second</u> travel-related event resulting from performance of a <u>first</u> activity in

response to the occurrence of the <u>first</u> travel-related event (Column 2, 1-10 wherein the

second event may be receiving a customer response.);

b3. automatically transmitting, in response to the detecting of the <u>first</u>

travel-related event and without user intervention, a notification to a first entity of the <u>first</u>

travel-related event, the first entity having previously <u>subscribed</u> to receive notification of

the <u>first</u> travel-related event and initiating the <u>first</u> activity in response to the notification

(C1, 50-67),

b4. with the automatically transmitting of the notification to the first entity

including determining whether the first entity has previously <u>subscribed</u> to receive

notification of the <u>first</u> travel-related event (Column 1, 50-66); and

b5. automatically transmitting, without user intervention, a notification to a second entity of the <u>second</u> travel-related event (Column 2, 1-16 Examiner considers "real time data system" to be a second entity because Applicant's specification defined systems as entities on Page 3, 1-3. Also, second entity could be, among many things, the "paging system" See Fig 1, 162),

b6. the second entity initiating performance of a <u>second</u> activity in response to occurrence of the <u>second</u> travel-related event (Column 2, 1-16; an alternative embodiment shown with an airline system).

6.   With respect to **Claim 3**: Nelson discloses

wherein the second entity initiates a <u>third</u> response in parallel to multiple heterogeneous systems (Column 4, 34-45).

7.   With respect to **Claim 4**: Nelson discloses

wherein the <u>second</u> event comprises rebooking a passenger on a different flight (Column 4, 35-40 wherein the customer can select from a list of available alternative flights, hence rebooking).

8.   With respect to **Claim 6**: Nelson discloses

automatically transmitting, without user intervention, a notification to the heterogeneous system associated with a third entity of the additional event (Figure 1, 113 and further more this third entity could simply be a notified customer in which Nelson anticipates notifying a "multitude" of entities).

9.   With respect to **Claim 7**: Nelson discloses

wherein the third entity is <u>subscribed</u> to receive the notification (Column 4, 65-67

through Column 5, 1-8 wherein if the third entity is receiving the notification inherently it

must be registered to receive it).

10.   With respect to **Claim 8**: Nelson discloses

       wherein the notification occurs in real-time (Nelson's invention and notification is

in real-time and examples can be found Column 2, 1-5 and Column 4, 60).

11.   With respect to **Claim 11**: Nelson discloses

       wherein the heterogeneous system associated with the second entity does not

monitor for the occurrence of the <u>first</u> event or the <u>second</u> event (Column 4, 27-31

where in Nelson discloses a standard paging system and pager which certainly does

not monitor for events).

12.   With respect to **Claim 12**: Nelson discloses

       wherein the heterogeneous system associated with the second entity is a non-

listening-receiving system (Fig. 1, 162 and Column 2, 52-60 and Column 4, 27-31 as

the systems disclosed by Nelson, such as phone and paging, certainly are "non-

listening" as defined by Applicant's Specification → see page 9, 14-16; wherein non-

listening is equal to capable of receiving information).

13.   With respect to **Claim 13**: Nelson discloses

       wherein the automatically transmitting of the notification to the heterogeneous

system associated with the second entity includes determining whether the second

entity has previously <u>subscribed</u> to receive notification of the <u>second</u> event (Column 3,

50-68 and C4, 50-57).

14.   With respect to **Claim 14**: Nelson discloses

the first entity having previously <u>subscribed</u> to receive notification of the <u>first</u>

event comprises the first entity having previously <u>subscribed</u> to receive notification of a

first type of events (Column 1, 60-65 "**subscribers**" and Column 3, 60-68 Examiner

considers this to be a customer wishing to be notified of when a customer on a flight

registered to be notified of its cancellation, delay or event),

the second entity has previously <u>subscribed</u> to receive notification of a second

type of events (Column 3, 60-68 Examiner considers this to be another customer of a

different flight that registered to be notified of its cancellation, delay, or event) and

the first type of events is different from the second type of events (Inherently if

the two entities were on different flights the type of events to be notified of would be

different, such as flight 408 is cancelled and flight 409 is delayed).

15.   With respect to **Claim 15**: Nelson discloses

type of events that is information <u>associated with a plurality of entities, that</u>

<u>includes</u> information about a flight being delayed or a baggage claim being changed for

an entire flight (Column 2, 40-47),

the second type of events is information <u>associated with only a single entity, that</u>

<u>includes</u> information about a person having been rebooked on a particular flight

(Column 2, 40-45).

16.   With respect to **Claim 16**: Nelson discloses

wherein the automatically transmitting of the notification to the second entity

includes determining whether the second entity has previously <u>subscribed</u> to receive

notification of the <u>second</u> travel-related event (Column 3, 50-68).

17.   With respect to **Claim 17**: Nelson discloses

the first entity having previously <u>subscribed</u> to receive notification of the <u>first</u>

event comprises the first entity having previously <u>subscribed</u> to receive notification of a

first type of events (Column 1, 60-65 "**subscribers**" and Column 3, 60-68 Examiner

considers this to be a customer wishing to be notified of when a customer on a flight

registered to be notified of its cancellation, delay or event),

the second entity has previously <u>subscribed</u> to receive notification of a second

type of events (Column 3, 60-68 Examiner considers this to be another customer of a

different flight that registered to be notified of its cancellation, delay, or event) and

the first type of events is different from the second type of events (Inherently if

the two entities were on different flights the type of events to be notified of would be

different, such as flight 408 is cancelled and flight 409 is delayed).

18.   With respect to **Claim 18**: Nelson discloses

the <u>first</u> type of events that is information <u>associated with a plurality of entities,</u>

<u>that includes</u> information about a flight being delayed or a baggage claim being changed

for an entire flight (Column 2, 40-47),

the second type of events is information <u>associated with only a single entity that</u>

<u>includes</u> information about a person having been rebooked on a particular flight

(Column 2, 40-45).

19.   With respect to **Claim 19**: Nelson discloses

wherein the automatically transmitting of the notification to the heterogeneous

system associated with the second entity includes determining whether the second

entity has previously <u>subscribed</u> to receive notification of the <u>second</u> event (Column 1,

60-65 "**subscribers**").

20.   With respect to **Claim 20**: Nelson discloses

wherein the automatically transmitting of the notification to the heterogeneous

system associated with the second entity includes determining whether the second

entity has previously <u>subscribed</u> to receive notification of the <u>second</u> travel-related event

(Column 1, 60-65 "**subscribers**").

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

23.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson as

applied to claim 1-4 and 6-20 above, and further in view of Patent Number: 6,246,320

(Monroe).

Nelson teaches all of the steps claimed with the exception of notifying ground

crew and the rescheduling thereof. Monroe teaches the use of an automatic detector of

events and event notification system as a convenient method of providing notification to

ground crew and rescheduling thereof (Column 2, 30-60 and Column 3, 30-60 and

Column 4 29-55). The business practice of rescheduling ground crew based upon the

occurrence of an event is an old and well-established business practice. This practice

is designed to ensure smooth operation of the airport and maximize efficiency upon

unexpected changes. It improves customer relations and helps to generate return

business. It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the method of event notification the notification to ground crew as

taught by Monroe to Nelson, in view of the well known business practice of rescheduling

of ground crew based upon the occurrence of an event as set forth above. Note the

added steps in Monroe, which would include notifying ground crew of an event, are

merely the automation of the old and well known manual process thereof.

Response to Arguments

This is in response to Applicant's arguments beginning on page 9 of 15 in

regards to Examiner's initial 102(a) rejection (improperly labled 103(a) by Applicant).

Applicant states Nelson teaches the following:

"Nelson discloses a **method and apparatus** for providing automated notification to a customer of a **real-time** notification system. The system **provides notification to subscribers** based on some notification event, including notifying airline customers of changes in airline information which affects their travel plans (e.g., a flight schedule event such as a flight cancellation, a flight status event such as boarding, or marketing events such as an incentive to change flights). The notification can occur using various communication devices, such as pagers, cell phones, email, etc. As opposed to notifying all customers, selected groups of customers may be notified with the groups being based on some predetermined criteria, such as frequent-flier level, class of service, or price of the ticket, such that the selected groups or individual customers are given preferential treatment. A customer message manager may be employed to notify a set of subscribers based on relevant changes in information. In **one embodiment disclosed by Nelson, the customer message manager polls an airline system to receive airline information** (note here however that it may poll or may receive C 2, 35-37), evaluates the information to determine notification events, determines a set of customers to provide notification of the general notification event, and initiates notification to the set of customers in the order identified by a predetermined criteria."

Applicants own admission of what the prior art teaches is sufficient still to meet the scope, for 102 purposes, of what the Applicant Claims.

In response to page 10, 3rd paragraph Applicant states the terms "information from a memory" and "subscribed" have been added to claim 1. Nelson as per

Applicants own admission teaches notifying subscribers and inherently must monitor

information from a memory in order to know which subscribers to notify.

In response to 2nd and 3rd full paragraphs on page 11, Applicant places reliance

on Figs 5A and 5B and tells Examiner that present on the Figs is Flight 732; yet when

Examiner turns to the specification and the Figs. no working example is shown nor can

Examiner readily make out what is occurring in the Figs, furthermore no "Flight 732" is

shown on Figs. 5 or 6.   As to the system "listens" Examiner turns to Column 2, 35-37

where in Nelsons system can either receive information or "poll". Applicant's own

specification defines listening system as one that is capable of receiving and further

states that the distinction may not even be relevant. (Page 9 [033]). Furthermore,

subscribe and publish technology was old and well known of at the time of the invention

along with the use of a subscribe and publish method was old and know in business as

a way of updating/informing consumers about information relevant to them. For

instance joining a band's fan club a member submits their e-mail address then if a

concert is occurring a publication and notification thereof occurs. As to monitoring

information from a memory for the occurrence of an event and publishing and event

upon occurrence Nelson must monitor a memory for the occurrence of an event

otherwise Nelson's system would not know what events to notify subscribed customer

of and there would be no purpose of Nelson's system.

With respect to page 12, first full paragraph, Applicant states "Nelson requires

the CMM to poll airline databases for changes or updates (i.e., pull technology), while

the publish/subscribe technology of the claimed invention provides real-time updates

and automatically provides notification of a requested event to subscribers upon the occurrence of an event (i.e., push technology)." Examiner submits that Nelson does not require polling, that this is only required in one embodiment as taught (Column 2, 35-40 "or CMM may poll"). As to the "pull vs. push" technology argument Examiner turns to Newton's Telecom Dictionary, with a 102(b) date attached herein, which shows that the "push technology" was old and well known with in the art and further states how it is used "Instead of seeking out information, information seeks you..." and "... you register your interests (ie flight status)... Automatically you are then presented with notification of changes in that information, as changes take place." Applicants invention at best is an obvious variation/substitution of information of what is shown with in the dictionary definition.

Second full paragraph on page 12 is moot in view of the fact that Examiner no longer issued the 102 rejection in view of Monroe.

As to second full paragraph on page 13 of Remarks Applicant states Nelson does not disclose <u>determining whether a first entity has previously subscribed to receive notification of an event</u>. However Examiner turns to column 1, 56-57 which states "...determining the set of subscribers to provide notification of the received notification event". Even though the word "subscriber" is used assuming Nelson did not mean this, Nelson specifically teaches, this is all based on a *pre-determined criteria*, it would be no great stretch that the predetermined criteria would be that a user signed up or requested to be notified.

As to full 3rd paragraph on page 13 although now moot, Examiner points out for purposes of 103, why would Monroe notify user of an event if the entity had not previously subscribed or requested notification of some manner of said event? Monroe would not notify random persons/entities at random.

Conclusion

24.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include Toy Patent Number 4,554,418.
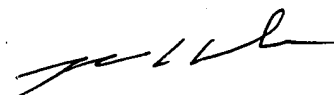
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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